

Top prosecutor steps down after impeachment

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State Public Prosecutor-General Chen Tsung-ming (陳水扁) tendered his resignation yesterday after being impeached by the Control Yuan.

The government watchdog impeached the top prosecutor by a vote of 8-3, citing concerns over his “integrity” and “sincerity” in leading the Special Investigation Panel’s investigation into alleged corruption involving former president Chen Shui-bian (陳水扁).

The vote was the Control Yuan’s second attempt after a failed one by Control Yuan members Chien Lin Whei-jun (陳水扁) and Lee Ful-dien (李富典) on Jan. 5.

The decision to hold another vote came following allegations by Chinese Nationalist Party (KMT) Legislator Chiu Yi (邱毅) that the failed motion had been rigged, and a report by the KMT’s Central Standing Committee on Jan. 13 blaming its defeat in the recent legislative by-elections on Chen for not pursuing the former president’s case vigorously enough.

At a press conference yesterday afternoon to announce the decision, Lee, Chien Lin and Chen Yung-hsiang (陳永祥), another Control Yuan member and chairperson of yesterday’s meeting to discuss the impeachment motion, denied any links to recent events.

“The reasons for impeaching [Chen Tsung-ming] were the same as last time, but this time, I focused more on the irregularities concerning the Prosecutors Code (檢察官法), which suggested incompetence in his functions as state prosecutor-general rather than just a moral appeal as I did last time,” Lee said.

The Control Yuan members accused Chen Tsung-ming of “inappropriate behavior” after he and then-minister of justice Shih Mao-lin (史國斌) were invited by Huang Fang-yen (黃方延), the former first family’s physician, to meet at Huang’s residence on Feb. 26, 2007.

Prosecutors claim that Huang played a key role in the former president’s corruption cases.

“What did they talk about at Huang’s house? We suspect there were criminal acts involved in the meeting. As the Control Yuan is neither a criminal investigation institution, nor does it have any judicial enforcement powers, we could only point out the facts and refer it to prosecutors,” Lee said.

Lee said the meeting was not a late Lunar New Year gathering among friends, as Chen Tsung-ming alleged, adding that the meeting needed to be put into the context of a series of incidents involving alleged corruption by the former first family.

The Control Yuan members also cast doubt on Chen Tsung-ming’s sincerity, saying he had offered “inconsistent” and “unclear” accounts about the meeting with Huang.

“There must be something behind the meeting that prompted Chen Tsung-ming to lie to the Control Yuan and the Ministry of Justice when it investigated the matter,” Chien Lin said.

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The Control Yuan also said that Chen Tsung-ming had lied about the fact that he dined with Tsai Chu-hsiung (蔡啟芳) — a construction magnate and owner of the Polaris Garden Plaza, the first family's former residence — who was involved in some of Chen Shui-bian's cases.

Lee said Chen Tsung-ming's behavior had "seriously damaged the credibility of the judiciary" and the "government's image."

Control Yuan members also charged Chen Tsung-ming with "dereliction of duty," saying that he failed to come up with pre-emptive measures to prevent Huang Fang-yen (黃方延) from leaving the country.

Before Chen Tsung-ming's resignation, the Control Yuan also demanded — by a vote of 7-3 — that Minister of Justice Wang Ching-feng (王景弘), who supervises the Supreme Prosecutors Office, deal with the impeachment at the earliest possible date after the case is referred from the Control Yuan.

Later yesterday, the ministry said in a press release that it had referred Chen Tsung-ming's resignation letter to President Ma Ying-jeou (馬英九), via Premier Wu Den-yih (吳登毅), for a final decision.

Chen Tsung-ming took office in January 2007 after his appointment was endorsed by the legislature. The term of a state prosecutor-general is four years.

In response to the Control Yuan's decision, Chen Tsung-ming said he had not done anything wrong and that he had followed his conscience. He declined to elaborate and said he needed time to think.

Wang, meanwhile, said yesterday that the impeachment had "dealt a blow to the justice system."

She also said that she had repeatedly talked with Chen Tsung-ming to convince him to resign. However, he insisted on staying, so she did not press the issue, she said.

After learning of Chen Tsung-ming's resignation, Wang urged all prosecutors to apply a strict set of standards on themselves to win the confidence and trust of the public and to establish a reputation of fairness and justice in the nation's prosecutorial and judicial system.

Last year, Wang told the legislature: "If I were [Chen Tsung-ming], I would have left a long time ago."

Her remarks stirred a controversy, with rumors spreading that she and the prosecutor-general were secretly at war with each other.

Wang has since denied the allegations and yesterday did not comment on whether there was any discord between her and Chen Tsung-ming.

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The ministry said it had yet to decide who would replace Chen Tsung-ming as top prosecutor-general.

KMT spokesman Lee Chien-jung (李顯榮) quoted Ma as saying yesterday that he respected the Control Yuan's decision to impeach Chen Tsung-ming and added that he never meddled in the judiciary.

Lee said Ma did not mention Chen's case during the party's Zhongshan meeting. Presidential Office Spokesman Wang Yu-chi (王郁琦) yesterday said he had nothing to add because the office had not received Chen's resignation.

Commenting on Chen's departure, KMT caucus secretary-general Lu Hsueh-chang (呂秀蓮) said he was not surprised by the Control Yuan's decision, adding that the impeachment could serve as a reminder for all judicial personnel to abide by the law.

Chiu, who had long accused Chen Tsung-ming of malfeasance, called the Control Yuan's resolution "belated justice."

Democratic Progressive Party (DPP) spokesman Tsai Chi-chang (蔡啟芳) told a press conference that the party regretted that Chen Tsung-ming had ordered the judiciary to focus its investigations on DPP politicians while avoiding to do as much for KMT politicians.

Tsai said the Control Yuan decided not to impeach Chen on Jan. 5, but after the KMT published a review of its defeat in the legislative by-elections on Jan. 9 — in which it blamed Chen for not pursuing the former president's case vigorously enough as one of the reasons for its electoral failure — the KMT-controlled Control Yuan changed its mind.

Meanwhile, last night all the members of the Special Investigation Panel tendered their resignations.

ADDITIONAL REPORTING BY KO SHU-LING, FLORA WANG AND RICH CHANG

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